



## **MINUTES**

**Of A**

### **REGULAR COUNCIL MEETING**

**August 25, 2011**

The City Council of the City of Longview, Texas, met in a Regular Session, August 25, 2011, at 5:30 P.M. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Jay Dean presided.

Members present were:

Members absent were:

Jay Dean  
John Sims  
Daryl Williams  
Kasha Williams  
Wayne Frost  
Richard Manley  
Sidney Allen

Staff members present were:

David Willard, City Manager  
Mary Ann Miller, Assistant to the City Manager  
Shelly Ballenger, City Secretary  
Jim Finley, City Attorney  
Kevin Cummings, Director of Development Services  
Keith Bonds, Director of Public Works  
Laura Hill, Director of Community Services  
Karri Hyko, Director of Human Resources  
Angela Coen, Director of Finance  
Curtis Shaw, Assistant Chief of Fire  
David Bates, Assistant Chief of Fire  
Don Dingler, Chief of Police

**I. CALL TO ORDER** – Mayor Jay Dean called the meeting to order.

**II. INVOCATION** – Pastor Cary Hilliard of First Baptist Church of Longview gave the invocation.

**III. PLEDGE OF ALLEGIANCE** – Pastor Cary Hilliard of First Baptist Church of Longview led the pledge of allegiance.

**IV. CITIZEN COMMENT**

Klancey Cox, 111 Commander Drive, Longview (representing Fete for Pets Foundation), wanted the animal shelter system to be replaced with an animal shelter center which would provide a safe housing for stray and unwanted animals, low-cost spay and neuter, vet clinics, grooming, doggy day care, boarding, educational facilities, kid camps, dog shows and agility competitions.

Alicia Nolte, 6 Huntington Circle, Longview (representing Fete for Pets Foundation), stated their foundation could partnership with the City and other surrounding areas to have something better than what we currently have and with new ideas. She has a 6 acre location available. She stated that Mr. Orms, President and CEO of the Helen Woodward Foundation in San Diego, California, would come speak to Council on the newer ideas and technology.

Christine Kerr, Interim Executive Director of the Humane Society of North Texas, 303 Enterprise, Longview, spoke of the good relationship between the shelter and Animal Control Officers, Buck Farrar and Geoff Heinicke.

Last summer we doubled our adoptions. We have expanded our rescue. Tomorrow we have an adoption going to Canada. Volunteers have created us a Facebook page that has created an increase in rescues, adoptions, return to owners and foster availabilities.

The City has been very helpful with assisting in our needs such as generators during power outages.

Kelly Heitkamp, Animal Welfare Attorney, 409 Magrill St., Longview, has made multiple requests for access to the shelter's financial records. She stated the shelter has not complied. She wants the shelter to be accountable on how their monies are being spent. The majority of their funds are taxpayer funds.

Mary Ramos, 2905 Granite, Longview, (representing the volunteer group that runs the shelter's Facebook page): I have dealt a lot with the Humane Society in the last 2 years. Christine has been above board with our group and done wonderful things at the

Humane Society. The Facebook page has more than 4,000 followers. The bottom line is that the dogs, cats and other animals running around town have been taken in, found homes and fostered. The numbers have greatly improved. I have been invited to and attended a board of directors meeting. I had all my questions answered. I have never had a problem getting any information from them. I am very pleased with the changes that have been made. I can see a need for some improvements and they recognize that. We need to think about the dogs and cats that need our care now.

Belinda Wiggins, Partnership for Pets, 2511 Aspen Street, Longview, has been doing animal rescue for about 10 years. She brought 26 letters signed by concerned citizens. She requested that the shelter contract be renewed only on a month to month basis and not raise the amount of monies until the shelter opens all their financial books.

There are 3 very active rescue groups in town that are unable to work successfully with the Humane Society in Longview. We rescue animals from Dallas, Nacogdoches and Marshall because we have the capacity to do so. It is a terrible shame that we cannot help the dogs in our own community.

Karen Cox, 2601 Golf Avenue, Longview, wants the City to review the animal center and agreed it is time for a change. She urged Council to renew the contract on a month to month basis until the problems are resolved, especially the use of taxpayers' money.

Donald Webb, 217 Millie St., Longview, complained about the non-leadership at City Hall.

Robbie Duncan, 2409 Clayton St., Longview, stated that the \$120 wrecker non-consent fee was too low. Towing a car at night for arrest or wreck for \$120 is not too bad but at 2:00 in the morning during ice, sleet or snow with the car upside down in a creek is not enough money. He suggested possibly coming up with a different pay scale for simple tows versus more involved tows. It does cost us more to work certain types of accidents.

Mayor Jay Dean suggested that it is a raise and that Mr. Duncan needs to determine if it is a viable business for him to do or not to do. We will continue to look at options. That is a reasonable request.

## **V. CONSENT AGENDA**

- A. Consider an Ordinance amending Chapter 25, Article 1 of the Longview Code of Ordinances regarding operational procedures for the Maude Cobb Convention and Activity Complex and allowing for**

**all rentals, fees, charges, deposits and security related to use of the facility to be established by resolution of the City Council –**

Laura Hill, Director of Community Services, requested Council to amend Chapter 25, Article 1 of the Longview Code of Ordinances originally approved on November 14, 1991. This amendment request is the result of a five-month process involving Activity Complex Staff, the City Attorney's Office and a Select Advisory Committee all of whom studied the fee structure and booking policies currently in use and then developed recommendations to insure the facility is meeting its primary mission to serve as a Convention and Activity Complex and is able to more efficiently recover operating expenses.

The Select Advisory Committee included: Kim Droege (Events,) Leska Parker (Chamber of Commerce,) Gerard Cace (Restaurant Industry,) CJ Clayton (Hotel / Motel Industry,) Joey Russ (Other Facilities,) Mary Smith (Not For Profit Events, examples: Paisanos of East Texas and LULAC.) Staff included Dixie Golden, Cindy Smith and Laura Hill.

The amendment to the ordinance primarily indicates that fees and policies for the operation of the Complex are established by resolution of the City Council.

The following Ordinance was approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES, CITY OF LONGVIEW, TEXAS, BY REWRITING ARTICLE I TO SAID CHAPTER IN ITS ENTIRETY TO AMEND OPERATIONAL PROCEDURES FOR THE MAUDE COBB CONVENTION AND ACTIVITY COMPLEX AND ALLOW FOR ALL RENTALS, FEES, CHARGES, DEPOSITS, SECURITY AND EXEMPTIONS RELATED TO USE OF SAID COMPLEX TO BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; FINDING THAT THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

Such Ordinance No. 3775 appears in the Resolution and Ordinance records of the city of Longview.

**B. Consider a Resolution approving and authorizing the City Manager or the City Manager's designee to renew a contract for animal shelter services from the Humane Society of Northeast Texas in exchange for payment of \$162,500.00 plus water, sewer and sanitation services from the City of Longview –**

Geoff Heinicke, R.S., Environmental Health Division Manager, requested Council to consider a Resolution approving renewal of the contract with the Humane Society of Northeast Texas in the amount of \$162,500.00, plus water, sewer and sanitation services, for animal shelter services. State law requires a permitted facility for lost, stray, sick, or injured animals impounded by the Animal Control section of the Environmental Health division, or turned in by local citizens.

Funding is available from the approved fiscal year 2011-12 Environmental Health operating budget within the General Fund; specifically Special Services.

Mayor Jay Dean asked Geoff Heinicke if the third party audit was included in this new contract with the animal shelter.

Geoff Heinicke: Yes. There is a complete new section 4 where the Society agrees to have a financial audit for the current fiscal year of 2010-2011 by a third party. They will provide the City a copy of the audit. That document will be subject to open records once it is turned over to the City.

Mayor Jay Dean: Susan Mazarakes Gill is the new President of the Humane Society. I would be happy to sit down with Susan and Kelly Heitkamp to try to get to the information that you seek.

The talk about a new center is a very important project. I have had several meetings with Alicia Nolte and others. They have set up a non-profit to raise money. It would have to be a public/private partnership. Bringing Mr. Orms to town in November and include the current Humane Society is a good idea.

At any point in time in this contract through the third party audit, et cetera, that we have evidence of malpractice we have the option or cause to cancel this contract.

Council Member John Sims: I asked Kelly Heitkamp how the new animal center was coming along and she said it was not. We dropped the ball last year. It should be being

built right now. We can no longer deal with the present people. I hate to okay this contract especially after they went up \$10,500.00.

I asked Geoff how many animals we take to the shelter. He informed me around 2,400 per year which is \$70.00 per animal. That is ridiculous. My hands are tied right now. Council can continue to work with these people but the animal "protection" center needs citizens to help the new shelter get going. Animals are not being protected now.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE AND THE CITY SECRETARY TO ATTEST TO A CONTRACT BY AND BETWEEN THE CITY OF LONGVIEW AND THE HUMANE SOCIETY OF NORTHEAST TEXAS, INC., FOR ANIMAL SHELTER SERVICES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4340 appears in the Resolution and Ordinance records of the City of Longview.

- C. Consider a Resolution awarding a contract to McDonald Transit Associates, Inc. of Fort Worth, Texas, for transit management services for Longview Transit, Inc. and authorizing and directing the City Manager or the City Manager's designee to execute any documents with McDonald Transit Associates, Inc. of Fort Worth, Texas, for said services –**

Sid Foster, Purchasing Manager: This item is for consideration of an agreement with McDonald Transit Associates, Inc. of Fort Worth, Texas, for transit management services.

On July 6, 2011 Requests for Proposals were mailed to transit management service providers. The RFP's were advertised July 17, 2011 and July 24, 2011. Proposals

were posted on the City of Longview website and advertised in "Texas Transit", a statewide transit management publication. On August 1, 2011 the one (1) proposal on file was opened. We received no other proposals.

The proposal received was from McDonald Transit Associates, Inc. of Fort Worth, Texas. It was responsive and properly filled out. City staff evaluated the proposal and recommend McDonald Transit Associates, Inc. based on the evaluation criteria published. They are our current provider of transit management services.

Cost of services proposed are \$10,716.10 monthly for the first year and \$11,016.15 monthly for the second year and \$11,324.60 monthly for the third year.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROPOSAL OF McDONALD TRANSIT ASSOCIATES, INC., OF FORT WORTH, TEXAS, FOR MANAGEMENT SERVICES FOR LONGVIEW TRANSIT, INC.; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE A CONTRACT WITH McDONALD TRANSIT ASSOCIATES, INC., OF FORT WORTH, TEXAS, TO PROVIDE MANAGEMENT SERVICES FOR LONGVIEW TRANSIT, INC.; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE COMPETITIVE PURCHASING REQUIREMENTS IN SOLICITING AND ACCEPTING SAID PROPOSAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4341 appears in the Resolution and Ordinance records of the City of Longview.

- D. Consider an Ordinance establishing a procedure for excluding individuals from city-owned property due to their criminal or disruptive conduct, and an appeal procedure for those excluded –**

Don Dingler, Chief of Police, requested Council to consider an ordinance amending Chapter 25 of the Longview City Code by adding an Article III, establishing a procedure to exclude an individual who has violated the law or city policy from city-owned property and establishing an appeal procedure.

The following Ordinance was approved:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ADDING A NEW ARTICLE III TO CHAPTER 25 OF THE LONGVIEW CITY CODE; ESTABLISHING A PROCEDURE FOR PROHIBITING INDIVIDUALS FROM ENTERING OR REMAINING UPON CERTAIN CITY PROPERTY DUE TO CRIMINAL VIOLATIONS OR DISRUPTIVE CONDUCT; ESTABLISHING AN APPEAL PROCEDURE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Ordinance No. 3776 appears in the Resolution and Ordinance records of the City of Longview.

**E. Consider a Resolution adopting a revised service policy for the Longview Public Library –**

Kara Spitz, Assistant Director of Community Services: The Longview Public Library's rules, regulations, and procedures are outlined in the Service Policy. The original policy was enacted by Council in 1989 and is in need of updating to reflect changes in the facility layout, elimination of the Library Advisory Board (2001), and general changes in operational procedures.

The revised Service Policy extends library services to anyone with a valid Texas Drivers License as adopted by Council in 2000 with the receipt of grant funds from the Texas State Library & Archives Commission. Additionally, this policy clarifies that the Library may ban disruptive persons from the Library for repeat offenders and exclude such persons from the Library and its grounds. Minor revisions are made to allow for



changes in media rooms that no longer exist; and various Committees that were part of the former Library Advisory Board (LAB). The LAB was eliminated during the citywide reduction of boards and commissions that took place April 2001.

The revised policy provides for the Library to enforce service limitations should patrons have outstanding account balances, i.e., computer usage will be restricted if a patron is not in "good standing" on their account and owe fines and/or fees.

The revised policy provides that children under the age of ten (10) cannot be left unattended or unsupervised.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING A REVISED "SERVICE POLICY OF THE LONGVIEW PUBLIC LIBRARY"; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4342 appears in the Resolution and Ordinance records of the City of Longview.

**F. Consider approval of the following minutes: July 28, 2011 –**

Shelly Ballenger, City Secretary, requested Council to approve the July 28, 2011 minutes.

MOTION: Council Member Richard Manley made a motion to approve the Consent Agenda.

SECOND: Council Member Wayne Frost seconded the motion.

VOTE: The motion carried unanimously (7, 0).

**VI. BUDGET PUBLIC HEARING AND BUDGET ACTION ITEMS**

**A. PUBLIC HEARING will be held to consider the proposed FY 2011–2012 Budget – THIS ITEM REQUIRES A PUBLIC HEARING.**

Misty Frazier, Budget Accountant: The state statute along with the City Charter requires a public hearing to be held on the Fiscal Year 2011 – 2012 proposed budget. The vote to adopt the budget will be held tonight, Thursday, August 25, 2011. This item requires a public hearing.

The public hearing was declared open.

Donald Webb, 217 Millie St., Longview, spoke against the water bill increase, the new fire engine and the 3% raise for City employees.

Ace Vernon Autrey, 3914 Brent, Longview, did not agree with how the water rate increase was presented to the public. He felt the rate increase should be spread over all the meter sizes.

Mayor Jay Dean explained that the 24,000 5/8" meters flow 20 gallons per minute while the 9,400 1" meters flow 50 gallons per minute which use more water. The older houses have the 5/8" meters versus newer houses having a 1" meter due to 6 or more fixtures in the house.

We need to get to a point with these rates where we can stabilize to get the bond coverage debt gone. Once that happens we can start cash funding the normal maintenance which could lower the rates.

Christine Kerr corrected the City's price per shelter animal was not \$70.00 but in fact was between \$32.00 and \$35.00 per animal.

Robbie Duncan complained that his towing business has not had a raise in 4 years and now he is getting a 10% raise from the City.

The public hearing was declared closed.

**B. Consider an Ordinance, as part of the 2011-2012 budget proposal; granting a cost of living adjustment (COLA) for current TMRS retirees –**

Karri Hyko, Director of Human Resources and Risk Management: In September 2008, the City Council adopted an ordinance that eliminated the annually repeating cost of living increases and moved to an ad hoc basis. No increases have been granted since that time.

Earlier this year, the TMRS fund restructuring resulted in a reduced city contribution rate and increased our funded ratio. Since retirees have not received an annuity adjustment in several years, the City would like to direct some of the savings toward an ad hoc cost of living adjustment.

If adopted, this provision allows for a cost of living adjustment (COLA) for current TMRS retirees in January 2012. The cost is \$112,048 and is spread across all funds. It has been included in the budget proposal for 2011-2012 but requires a separate ordinance.

The adjustment is based on 70% of the percentage change in the Consumer Price Index (inflation index) from the retirement date to December 2010. TMRS estimates that retirees will realize a 2.5% - 3.3% annuity increase.

The source of funds is from the savings of the TMRS fund restructuring.

Council Member Sidney Allen: What period of time are we looking at on this cost of living increase? He felt that the increase should be based from 2008 when the last increase was given to the retirees and not back to 2000.

Karri Hyko: It varies for each retiree. It goes backwards to the beginning of their retirement date to December 2010. It averages to about \$200 - \$300 per year. This is a one-time increase.

MOTION: Council Member Sidney Allen made a motion the following Ordinance be approved:

**AN ORDINANCE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF LONGVIEW, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.**

SECOND: Council Member Daryl Williams seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Ordinance is No. 3777 and appears in the Resolution and Ordinance records of the City of Longview.

**C. Consider an Ordinance adopting the Fiscal Year 2011–2012 Annual Operating Budget and appropriating said funds –**

Misty Frazier, Budget Accountant, requested Council to consider adopting the Fiscal Year 2011 – 2012 operating budget.

MOTION: Council Member Richard Manley made a motion the following Ordinance be approved:

**AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR FISCAL YEAR 2011-2012 EXPENDITURES BY THE CITY OF LONGVIEW, TEXAS; APPROPRIATING FUNDS FROM VARIOUS REVENUE SOURCES AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS IN ACCORDANCE WITH SAID BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Daryl Williams seconded the motion.

VOTE: The motion carried unanimously (7,0).

Such Ordinance is No. 3778 and appears in the Resolution and Ordinance records of the City of Longview.

**D. PUBLIC HEARING will be held on the proposed tax rate. The City Council will vote on the tax rate on Thursday, September 8, 2011, at**

**5:30 PM in the City Hall Council Chambers at 300 W. Cotton Street, Longview, Texas. THIS ITEM REQUIRES A PUBLIC HEARING.**

Misty Frazier, Budget Accountant: The Texas Government Code and the city charter requires that a municipality hold two public hearings on the property tax rate. This is the second of the required hearings. The total proposed tax rate is 50.09 cents per \$100 valuation. 13.47 cents for Debt Service and 36.62 cents for Operations and Maintenance. The vote to adopt the tax rate will be on Thursday, September 8, 2011, at 5:30 PM.

The public hearing was declared open.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

**E. Consider a motion to ratify the property tax increase reflected in the fiscal year 2011–2012 Budget –**

MOTION: Council Member John Sims made a motion to ratify the property tax increase reflected in the Fiscal Year 2011 – 2012 budget.

SECOND: Council Member Daryl Williams seconded the motion.

VOTE: The motion carried unanimously (7, 0).

**F. Consider a Resolution establishing city fees and charges for the new fiscal year –**

Misty Frazier, Budget Accountant: This resolution would authorize City fees and charges to be updated or revised in order to more accurately compensate the City for its costs in providing facilities, services, and materials and to reflect the city's cost of administering the municipal regulations associated with City permits and applications. In summary, the majority of changes are grammatical in nature and/or a reflection of the City's increased costs in providing services and applications. The one substantive change increases the city's revenue for water and sewer rates.

Council Member Sidney Allen: Previously rental was based on a 4 hour basis. Now it is on a day long basis with rates going up substantially. Why is it better to rent daily versus on a 4 hour basis for rooms at the Maude Cobb Activity Center?

Laura Hill, Director of Community Services: We were behind on our fees. We convened an ad hoc committee to look at our fees and booking policies. Based on typical usage, most people want all day. Our fees are still below what you would pay at most other facilities. It will make our booking and administration more effective to do it this way.

MOTION: Council Member John Sims made a motion the following Resolution be approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, SPECIFYING CITY FEES AND CHARGES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; AND ESTABLISHING AN EFFECTIVE DATE.**

SECOND: Council Member Daryl Williams seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Resolution is No. 4343 and appears in the resolution and Ordinance records of the City of Longview.

## **VII. ACTION ITEMS**

- A. Consider all matters incident and related to the issuance and sale of the City of Longview General Obligation Improvement and Refunding Bonds, Series 2011, including the adoption of an ordinance authorizing the issuance of such bonds, approving an Official Statement, a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel –**

Ed Moore, Financial Advisor, Southwest Securities, gave a brief presentation on the issuance and sale of The City of Longview General Obligation Improvement and Refunding Bonds, Series 2011.

Standard and Poor's along with Fitch assigned the AA bond rating which meant no need to apply for bond insurance.

Council Member Richard Manley: How close is the AA rating to the highest rating?

Ed Moore: Two notches below the highest rating of AAA.

MOTION: Council Member Daryl Williams made a motion the following Ordinance be approved:

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF LONGVIEW, TEXAS GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2011.**

SECOND: Council Member Wayne Frost seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Ordinance is No. 3779 and appears in the Resolution and Ordinance records of the City of Longview.

**B. Consider all matters incident and related to the issuance and sale of the City of Longview Waterworks and Sewer System Revenue Bonds, Series 2011, including the adoption of an ordinance authorizing the issuance of such bonds, approving an Official Statement, a Paying Agent/Registrar Agreement and an engagement letter of Bond Counsel –**

John Martin, Financial Advisor, Southwest Securities, gave a brief presentation on the issuance and sale of the City of Longview Waterworks and Sewer System Revenue Bonds, Series 2011.

MOTION: Council Member Richard Manley made a motion the following Ordinance be approved:

**AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF LONGVIEW, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2011, APPROVING AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT; MAKING PROVISIONS FOR THE SECURITY THEREOF AND APPROVING OTHER AUTHORIZING INSTRUMENTS AND PROCEDURES RELATING THERETO.**

SECOND: Council Member Wayne Frost seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Ordinance is No. 3780 and appears in the Resolution and Ordinance records of the City of Longview.

**C. Consider an Ordinance amending Section 103-70 of the Longview Code of Ordinances increasing the fees for non-consensual tows –**

Chuck Ewings, Assistant City Manager: In recent months, the City has received several requests by towing companies to change the fee structure for non-consensual tows requested by the police department. After review of these fees and the fees of other cities, staff recommends the following amendments:

- 1) Increase fee for non-consensual light tows by 10% to \$132.00.
- 2) Increase fee for non-consensual heavy tows by 10% to \$305.00.

Council Member Richard Manley asked how we compared to other cities.

Chuck Ewings stated there is no set standard out there. The state law allows cities to establish a rating between \$45.00 and \$300.00 - \$400.00.

Council Member Sidney Allen: These rates are on a rotational system for non-consensual tows (tows when people cannot choose a company). What are the rates if a person chooses a company?

Chuck Ewings: That would be up to the individual tow companies on consensual tows.



Council Member Kasha Williams suggested looking into ways to provide options especially if someone lives in Longview and has to go to Gladewater to retrieve their vehicle due to the rotational system.

Chuck Ewings: We have to be fair to the companies on the rotational list by following the order of the list.

MOTION: Council Member Daryl Williams made a motion to approve the following Ordinance:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING SECTION 103-70 OF THE LONGVIEW CITY CODE TO PERMIT CERTAIN CHARGES FOR NONCONSENSUAL TOWING OF VEHICLES AND TO MAKE CERTAIN NONSUBSTANTIVE CLERICAL CHANGES; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member John Sims seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Ordinance is No. 3781 and appears in the Resolution and Ordinance records of the City of Longview.

## **VIII. ITEMS OF COMMUNITY INTEREST**

Council Member John Sims thanked Mayor Jay Dean and his wife, Pokey, for looking after him since his wife, Miss Jo, passed away.

Council Member Richard Manley stated he would like to see the fund balance minimum be increased and requested the item be put for consideration on the agenda for September 8<sup>th</sup> Council Meeting.

Mayor Jay Dean: In observance of Labor Day, City offices will be closed Monday, September 5<sup>th</sup>. The Sanitation Department will remain on the regular trash collection schedule.

The Citizens Police Academy 2011 begins September 8<sup>th</sup> through October 20<sup>th</sup> at 6:30 p.m. to 8:30 p.m. Contact information is Assistant Chief Mike Bishop on 903-237-1149 or Sergeant Larry Webb on 903-452-7646.

The Sunday, September 11<sup>th</sup> ceremony will be from 8:00 – 9:30 a.m. at Central Fire Station and going north on Center Street to the Gregg County Courthouse. Longview Fire, Police, Gregg County Sheriff's Department and other emergency responders will be involved. The event will have guest speakers, performances by the honor guards from these agencies as well as the pipe and drum teams, all to remember the sacrifices made 10 years ago. For more information please call 903-237-1213.

## **IX. ADJOURN**

The meeting was adjourned at 6:45 p.m.

[seal]

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Shelly Ballenger  
City Secretary

